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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ADELE SHIREY; and DESTINY
SHIREY,

Plaintiffs,

v.

COUNTY OF RIVERSIDE; MARTIN
HUIZAR; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 5:25-cv-01541-DMG-E

Hon. Dolly M. Gee

**PLAINTIFFS' RESPONSE TO
ORDER TO SHOW CAUSE RE:
DISMISSAL FOR LACK OF
PROSECUTION**

TO THIS HONORABLE COURT:

Plaintiffs, by and through their counsel, respectfully submit the following response to the Court's Order to Show Cause re: Dismissal for Lack of Prosecution, dated November 3, 2025. [Dkt. 27.]

Plaintiffs' initial complaint in this action was filed on June 20, 2025, and named the County of Riverside, Martin Huizar, and Does 1-10 as defendants, the identities of the individual who were believed to have liability (other than Defendant Huizar) being then unknown to Plaintiffs. [Dkt. 1.] Following initial discovery and pursuant to a stipulation by the parties, on October 7, 2025, this Court granted leave for Plaintiffs to amend their complaint to name additional individual defendants. [Dkt. 22, 23.] That day, Plaintiffs filed their First Amended Complaint, which for the first time named Jared Anderson, Jacob Fontana, and Son Ly as additional individual defendants, in lieu of Does 1-3. [Dkt. 24.] This Court issued a summons on the First Amended Complaint on October 17, 2025 [Dkt. 26], and the newly added defendants were personally served on October 24, 2025 [Dkt. 28-30]. Accordingly, pursuant to the summons, which provides that a responsive pleading is due "[w]ithin 21 days after service," these defendants' responsive pleadings are due on November 14, 2025.

In stipulating for leave for Plaintiffs to file their First Amended Complaint, it was the parties' intention that all Defendants should be allowed to file a single, collective responsive pleading, based on the date of personal service of the newly added defendants, to avoid duplication of pleadings. Although counsel intended to make this intention clear in the parties' stipulation [*see* Dkt. 22 at 3, ¶ 6; Dkt. 22-3], it could have been expressed more clearly, for which the undersigned counsel apologizes to the Court. Based on the foregoing, Plaintiffs respectfully request that all Defendants be allowed to file their responsive pleading on or before November 14, 2025, and that the Court either continue the show-cause date to that date or discharge the order to show cause. It is Plaintiffs' counsel's understanding and expectation that all Defendants will file a responsive pleading no later than November 14, 2025.

1 For the reasons explained above, Plaintiffs are not seeking entry of default at
2 this time.

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4 Respectfully submitted,

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6 DATED: November 7, 2025

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8 By: /s/ Benjamin S. Levine
9 Dale K. Galipo
10 Benjamin S. Levine
11 *Attorneys for Plaintiffs*
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